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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

CHOUDHURY, AZIZUL Q

ART UNIT

PAPER NUMBER

2145

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/071,406

Applicant(s)

FRANZENBURG, ALAN M.

Examiner

Azizul Choudhury

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 and 14-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

***DETAILED ACTION***

This office action is in response to the correspondence received on August 1, 2005.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-9, 18-20, 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Goddard (US 6,883,110 B1).

1. Regarding claim 1, Goddard teaches a device for storing distributed data in a networked storage array, comprising: a mass storage controller associated with a network (ex. a controller in the server or maybe a proprietary service is provided by an application over the network) (Col. 3, L. 42-65; and Col. 4, L. 19-67; and Col. 6, L. 59-67; and Col. 7, L. 41-55); a mass storage device that is controlled by the mass storage controller, wherein the mass storage device includes a portion of the distributed data (ex. a mass storage device is the server application storage 212) (Col. 3, L. 42-65; and Col. 4, L. 19-67; and Col. 5, L. 34 - Col.6, L.2; and L. 59-67; and Col. 7, L. 41-55); and a plurality of client systems, having client mass storage, that each store a portion

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of the distributed data in a distributed storage file on the client mass storage, as directed by the mass storage controller, wherein the client mass storage is used primarily for the client system's data (Col. 3, L. 42-65; and Col. 4, L. 19-67; and Col. 5, L. 34 - Col. 6, L. 12; and L. 59-67; and Col. 7, L. 41-55) and the distributed data includes a common operating system image (Col. 4, L. 40-44) (ex. All data needed to restore a server (even a replacement server) can be backed-up as distributed data).

2. Regarding claim 2, Goddard teaches a device as in claim 1, wherein the client systems store striped data in the distributed storage file of the client mass storage, where the data is a mirror of distributed data stored on the mass storage device controlled by the mass storage controller (Col. 4, L. 19-67; and Col. 5, L. 34 - Col. 6, L. 12; and L. 59-67; and figure 2).

3. Regarding claim 3, Goddard teaches a device as in claim 1, further comprising a network that is coupled between the client systems and the mass storage controller to transfer distributed data between the client systems and the mass storage controller (Col. 4, L. 19-67; and Col. 5, L. 34 - Col. 6, L. 12; and L. 59-67; and Col. 7, L. 41-55; and figure 2).

4. Regarding claim 4, Goddard teaches a device as in claim 1, further comprising a plurality of common operating environment images stored on the mass storage device and distributed storage files of the client systems (Col. 3, L. 42-65; and Col. 4, L. 19-67;

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and Col. 5, L. 34 - Col. 6, L. 12; and Col. 4, L. 40-44 (ex. All data needed to restore a server (even a replacement server) can be backed-up as distributed data)).

5. Regarding claim 6, Goddard teaches a device as in claim 1, wherein the mass storage controller is a hardware card mounted within a network server (Inherently, a network connection between the server and clients must have a network card which is mounted within the server) (Col. 3, L. 42-65; and Col. 4, L. 19-67; and Col. 7, L. 41-55).

6. Regarding claim 7, Goddard teaches a device as in claim 1, wherein the mass storage device is a hard-drive that is coupled to the mass storage controller (Col. 4, L. 19-67; and Col. 6, L. 59 - Col. 7, L. 55).

7. Regarding claim 8, Goddard teaches a device as in claim 1, wherein the mass storage device stores parity data for the networked storage array (Col. 4, L. 19-67; and Col. 6, L. 27-52).

8. Regarding claim 9, Goddard teaches a device as in claim 1, wherein the distributed storage file of the client mass storage, which contains the distributed data, is inaccessible to a user of the client system (Col. 5, L. 57-64).

9. Regarding claim 18, Goddard teaches a device for storing distributed data in a networked storage array, comprising: a mass storage controller associated with a

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network (ex. a controller in the server or maybe a proprietary service is provided by an application over the network) (Col. 3, L. 42-65; and Col. 4, L. 19-67; and Col. 6, L. 59-67; and Col. 7, L. 41-55); a plurality of mass storage devices that are controlled by the mass storage controller, in which the mass storage devices each include a portion of the distributed data (ex. a mass storage device is the server application storage 212) (Col. 3, L. 42-65; and Col. 4, L. 19-67; and Col. 5, L. 34 - Col.6, L.2; and L. 59-67; and Col. 7, L. 41-55), wherein the distributed data includes a common operating system image (Col. 4, L. 40-44) (ex. All data needed to restore a server (even a replacement server) can be backed-up as distributed data); and a plurality of client systems in communication with the mass storage controller, each having at least one client mass storage with a distributed storage file, wherein distributed data that is written to the mass storage devices through the mass storage controller is mirrored to the distributed storage file on the client mass storage (Col. 3, L. 42-65; and Col. 4, L. 19-67; and Col. 5, L. 34 -Col. 6, L.12; and L. 59-67; and Col. 7, L. 41-55; figure 2).

10. Regarding claim 20, Goddard teaches a device as in claim 18, wherein the client mass storage used by the respective client systems are selected from the group of mass storage devices consisting of hard drives, flash memory, and rewritable optical drives (Col. 4, L. 19-67; and Col. 7, L. 24-42; and Col. 8, L. 18-50).

11. Claims 19 and 25 are a corresponding of claims 9 and 1. Therefore, they are rejected under the same rationale.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goddard (US 6,883,110 B1) as applied to claim 1 above, and further in view of Murphrey et al. (Murphrey) (US 6,735,692 B1).

12. Regarding claim 5, Goddard teaches through Murphrey the common operating environment image, which is stored on the client mass storage and mass storage device systems (Col. 3, L. 42-65; and Col. 4, L. 19-67; and Col. 5, L. 34 - Col. 6, L. 12). Goddard fails to teach image assembly and loading logic configured to assemble and install the common operating environment image, and also on a target client that calls for a new installation of the common operating environment image. However, Murphrey, in the same field of endeavor, teaches configuration for assemble and install the common operating environment image, and on a target client that calls for a new installation of the common operating environment image (ex: loading is equivalent to installation) (Col. 1, L. 46-60; and Col. 2, L. 49-67).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Murphrey's teachings of configuration for

assemble and install the common operating environment image, and on a target client that calls for a new installation of the common operating environment image, with the teachings of Goddard in the system and method for providing a data backup of a server on client systems in a network, for the purpose of providing a data backup of a server on client systems in a network, and maintaining the advantages of a remote boot.

13. Regarding claim 23, Goddard teaches through Murphrey a method for backup a common operating environment from a distributed storage array on a network, the method comprising the steps of: dividing a common operating environment image into a plurality of image segments, wherein the common operating environment image includes an operating system and applications (Col. 4, L. 19-67; and Col. 5, L. 63 - Col. 6, L. 28); allocating a distributed storage file in a mass storage on each of a plurality of client systems where image segments can reside (Col. 4, L. 19-67; and Col. 5, L. 63 - Col. 6, L. 28); storing the image segments in the distributed storage files of the client systems as directed by a storage array controller (Col. 4, L. 19-67; and Col. 5, L. 63 - Col. 6, L. 28; and L. 59 - Col. 7, L. 55); and installing the common operating environment image onto the target client from the image segments in the distributed storage files (Col. 4, L. 40-44) (ex. All data needed to restore a server (even a replacement server) can be backed-up as distributed data).

Goddard fails to teach adding a target client to the network that calls for a common operating environment and installing the common operating environment image onto the target client from the image segments in the distributed storage files. However,



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Murphrey, in the same field of endeavor, teaches adding a target client to the network that calls for a common operating environment and installing the common operating environment image onto the target client from the image segments in the distributed storage files (ex: loading is equivalent to installation) (Col. 1, L. 46-60; and Col. 2, L. 49-67).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Murphrey's teachings of adding a target client to the network that calls for a common operating environment and installing the common operating environment image onto the target client from the image segments in the distributed storage files, with the teachings of Goddard in the system and method for providing a data backup of a server on client systems in a network, for the purpose of providing a data backup of a server on client systems in a network, and maintaining the advantages of a remote boot.

14. Regarding claim 24, Goddard teaches through Murphrey the step of gathering at least a part of the common operating environment image from the image segments in the distributed storage files (Col. 5, L. 63 - Col. 6, L. 28).

Goddard fails to teach the installation of the common operating environment. However, Murphrey, in the same field of endeavor, teaches the installation of the common operating environment (ex: loading is equivalent to installation) (Col. 1, L. 46-60; and Col. 2, L. 49-67).

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Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Murphrey's teachings of the installation of the common operating environment, with the teachings of Goddard in the system and method for providing a data backup of a server on client systems in a network, for the purpose of providing a data backup of a server on client systems in a network, and maintaining the advantages of a remote boot.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goddard (US 6,883,110 B1) as applied to claim 1 above, and further in view of Squibb (US 6,301,677 131).

15. Regarding claim 10, Goddard teaches through Squibb, the distributed storage file in the client mass storage is inaccessible to a user of the client system (Col. 5, L. 57-64). Goddard fails to teach the distributed storage file in the client mass storage is hidden from a user. However, Squibb, in the same field of endeavor, teaches the distributed storage file in the storage is hidden from a user (Col. 13, L. 16 - Col. 14, L. 17).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Squibb's teachings of the distributed storage file in the storage is hidden from a user, with the teachings of Goddard in the system and method for providing a data backup of a server on client systems in a network, for the purpose of providing a data backup of a server on client systems in a network, and protecting of current data in the storage.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goddard (US 6,883,110 B1) as applied to claim 1 above, and further in view of Anderson (US 6,442,649 B1).

16. Regarding claim 12, Goddard teaches through Anderson, a device for storing distributed data in a networked storage array, comprising: a mass storage controller associated with a network (ex. a controller in the server or maybe a proprietary service is provided by an application over the network) (Col. 3, L. 42-65; and Col. 4, L. 19-67; and Col. 6, L. 59-67; and Col. 7, L. 41-55); a plurality of mass storage devices that are controlled by the mass storage controller, wherein each mass storage device includes a

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portion of the distributed data (ex. a plurality mass storage device are storage 102, 114, 116, etc.) (Col. 3, L. 42-65; and Col. 4, L. 19-67; and Col. 5, L. 34 - Col.6, L.2; and L. 59-67; and Col. 7, L. 41-55; figure 1); and a plurality of client systems that communicate with the mass storage controller, each having a client mass storage device, including a distributed storage file configured to store parity data (Col. 3, L. 42-65; and Col. 4, L. 19-67; and Col. 5, L. 34 - Col. 6, L. 12, and L. 27-67; and Col. 7, L. 41-55), wherein the distributed storage file on the client systems each include a portion of the parity data that is inversely proportional in size to the number of client mass storage devices available (Col. 4, L. 19-67; and Col. 6, L. 27-52).

Goddard fails to teach the distributed storage file on the client systems each include a portion of the parity data that is inversely proportional in size to the number of client mass storage devices available. However, Anderson, in the same field of endeavor, teaches the distributed storage file on the system includes a portion of the parity data that is inversely proportional in size to the number of mass storage devices available (Col. 6, L. 65 - Col. 7, L. 8).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Anderson's teachings of the distributed storage file on the system includes a portion of the parity data that is inversely proportional in size to the number of mass storage devices available, with the teachings of Goddard in the system and method for providing a data backup of a server on client systems in a network, for the purpose of providing a data backup of a server on client

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systems in a network, and advantage of facilitating an incremental increase in the size of the storage array.

17. Regarding claim 14, Goddard teaches through Anderson, a device in accordance with claim 12, wherein the client mass storage device is a hard drive and the parity data is stored on a portion of the client's hard drive that is unused by the client system's primary data (Col. 4, L. 19-67; and Col. 6, L. 27-52).

Goddard fails to teach the distributed storage file on the client systems each include a portion of the parity data that is inversely proportional in size to the number of client mass storage devices available. However, Anderson, in the same field of endeavor, teaches the distributed storage file on the system includes a portion of the parity data that is inversely proportional in size to the number of mass storage devices available (Col. 6, L. 65 - Col. 7, L. 8).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Anderson's teachings of the distributed storage file on the system includes a portion of the parity data that is inversely proportional in size to the number of mass storage devices available, with the teachings of Goddard in the system and method for providing a data backup of a server on client systems in a network, for the purpose of providing a data backup of a server on client systems in a network, and advantage of facilitating an incremental increase in the size of the storage array.

18. Regarding claim 16, Goddard teaches through Anderson, a device as in claim 1, further comprising a plurality of common operating environment images stored on the mass storage device and distributed storage files of the client systems (Col. 3, L. 42-65; and Col. 4, L. 19-67; and Col. 5, L. 34 - Col. 6, L. 12; and Col. 4, L. 40-44 (ex. All data needed to restore a server (even a replacement server) can be backed-up as distributed data)).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goddard (US 6,883,110 131) as applied to claim 18 above, and further in view of Ohran (US 2001/0037371 A1).

19. Regarding claim 21, Goddard teaches through Ohran, the client mass storage can be accessed by the client system (Col. 4, L. 19-Col. 5, L. 13; and Col. 5, L. 64-Col. 6, L. 27).

Goddard fails to teach teaches the client mass storage can be accessed by the client system when the mass storage controller is unavailable through the network. However, Ohran, in the same field of endeavor, teaches the mass storage can be accessed by the

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system when the mass storage controller is unavailable through the network (ex. the server mass storage can be accessed by the server system is equivalent to the client mass storage can be accessed by the client system. The function is similar) (page 2, paragraph [0018], [0028]).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Ohran's teachings of the mass storage can be accessed by the system when the mass storage controller is unavailable through the network, with the teachings of Goddard in the system and method for providing a data backup of a server on client systems in a network, for the purpose of providing a data backup of a server on client systems in a network.

20. Regarding claim 22, Goddard teaches through Ohran, the distributed data is written to the mass storage devices through the mass storage controller is mirrored to the distributed storage file on the client mass storage (Col. 3, L. 42-65; and Col. 4, L. 19-67; and Col. 5, L. 34 - Col. 6, L.12; and L. 59-67; and Col. 7, L. 41-55; figure 2).

Goddard fails to teach teaches a mirroring module and a mirror link where the minor link allows the mirroring module to access the mirroring module of other client systems when the mass storage controller is unavailable through the network. However, Ohran, in the same field of endeavor, teaches a mirroring module and a mirror link where the minor link allows the mirroring module to access the mirroring module of other client systems when the mass storage controller is unavailable through the network (ex. the minor link allows the mirroring module to access the mirroring module of other server

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systems is equivalent to the minor link allows the mirroring module to access the mirroring module of other client systems. The function is similar) (page 2, paragraph [0028]). .

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Ohran's teachings of a mirroring module and a mirror link where the minor link allows the mirroring module to access the mirroring module of other systems when the mass storage controller is unavailable through the network, with the teachings of Goddard in the system and method for providing a data backup of a server on client systems in a network, for the purpose of providing a data backup of a server on client systems in a network.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11 and 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goddard in view of Anderson and in further view of Squibb.

21. Regarding claim 11, Goddard teaches through Anderson and Squibb, the client mass storage contains large amounts of storage space (Col. 3, L. 65-Col. 4, L. 15).



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Goddard fails to teach the distributed storage file of the client mass storage is dynamically resizable. However, Anderson, in the same field of endeavor, teaches the distributed storage file of the mass storage is dynamically resizable (Col. 2, L. 30-35; and Col. 4, L. 51-65).

Goddard also fails to teach the distributed storage file in the client mass storage is hidden from a user. However, Squibb, in the same field of endeavor, teaches the distributed storage file in the storage is hidden from a user (Col. 13, L. 16 - Col. 14, L. 17).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Anderson's teachings of the distributed storage file on the system includes a portion of the parity data that is inversely proportional in size to the number of mass storage devices available, with the teachings of Squibb of the distributed storage file in the storage is hidden from a user, with the teachings of Goddard in the system and method for providing a data backup of a server on client systems in a network, for the purpose of providing a data backup of a server on client systems in a network, and advantage of facilitating an incremental increase in the size of the storage array.

22. Regarding claim 15, Goddard teaches through Anderson and Squibb, the distributed storage file in the client mass storage is inaccessible to a user of the client system (Col. 5, L. 57-64).

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Goddard fails to teach the distributed storage file on the client systems each include a portion of the parity data that is inversely proportional in size to the number of client mass storage devices available. However, Anderson, in the same field of endeavor, teaches the distributed storage file on the system includes a portion of the parity data that is inversely proportional in size to the number of mass storage devices available (Col. 6, L. 65 - Col. 7, L. 8).

Goddard also fails to teach the distributed storage file in the client mass storage is hidden from a user. However, Squibb, in the same field of endeavor, teaches the distributed storage file in the storage is hidden from a user (Col. 13, L. 16 - Col. 14, L. 17).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Anderson's teachings of the distributed storage file on the system includes a portion of the parity data that is inversely proportional in size to the number of mass storage devices available, with the teachings of Squibb of the distributed storage file in the storage is hidden from a user, with the teachings of Goddard in the system and method for providing a data backup of a server on client systems in a network, for the purpose of providing a data backup of a server on client systems in a network, and advantage of facilitating an incremental increase in the size of the storage array.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goddard in view of Anderson, and in further view of Murphrey.

23. Regarding claim 17, Goddard teaches through Murphrey and Anderson, the common operating environment image, which is stored on the client mass storage and mass storage device systems (Col. 3, L. 42-65; and Col. 4, L. 19-67; and Col. 5, L. 34 - Col. 6, L. 12).

Goddard fails to teach image assembly and loading logic configured to assemble and install the common operating environment image, and also on a target client that calls for a new installation of the common operating environment image. However, Murphrey, in the same field of endeavor, teaches configuration for assemble and install the common operating environment image, and on a target client that calls for a new installation of the common operating environment image (ex: loading is equivalent to installation) (Col. 1, L. 46-60; and Col. 2, L. 49-67).

Goddard also fails to teach the distributed storage file on the client systems each include a portion of the parity data that is inversely proportional in size to the number of client mass storage devices available. However, Anderson, in the same field of endeavor, teaches the distributed storage file on the system includes a portion of the

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parity data that is inversely proportional in size to the number of mass storage devices available (Col. 6, L. 65 - Col. 7, L. 8).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Murphrey's teachings of configuration for assemble and install the common operating environment image, and on a target client that calls for a new installation of the common operating environment image, with Anderson's teachings of the distributed storage file on the system includes a portion of the parity data that is inversely proportional in size to the number of mass storage devices available, with the teachings of Goddard in the system and method for providing a data backup of a server on client systems in a network, for the purpose of providing a data backup of a server on client systems in a network, and maintaining the advantages of a remote boot.

### ***Response to Remarks***

The amendment received on August 1, 2005 has been carefully examined but is not deemed fully persuasive. In lieu of the claim amendments, the office action has been revised and amended to address the new matter. No new prior art has been introduced however; claims have been regrouped since they were incorrectly grouped and rejected in the previous office action. Plus, the 112, 1<sup>st</sup> paragraph rejection has been removed thanks to the specification amendment. Within the remarks, two issues of concern were expressed. The remainder of this response will address those concerns.

The first issue of concern involves the newly amended claim material. The independent claims now feature the trait where the distributed data includes a common operating system image. In response, the examiner points out within the Goddard prior art, (Col. 4, L. 40-44). It is there that Goddard discloses that all the data needed to restore a server (even a replacement server) can be backed-up as distributed data. This makes it clear that preference data and operating system data is backed-up as distributed data. The replacement server must function identically as the server it is replacing so, the data the replacement server relies on to function with must contain all the details of the replaced server, including preference and OS details.

The second issue of concern involves claim 11. The applicant's representative remarks that Anderson does not teach that any of the storage devices are dynamically resizable. As cited in the office action, the portion of the Anderson prior art that the applicant's representative should refer to regarding the dynamically resizable storage is column 2, lines 30-35, not the abstract (as cited by the applicant's representative). Within the examiner's cited portion, Anderson clearly states, "The invention expands the size of a storage array on a dynamic basis..." Thus, it is clear that means for dynamically resizing memory exist.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Shannon (5,852,713)


- Cabrera et al. (US 6,535,998 B1)
- Bemis (5,487,160)
- Kihara et al. (US 6,625,625 131)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Azizul Choudhury whose telephone number is (571) 272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AC

  
JASON CARDONE  
SAB AU 2145